

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

TED S. RICHAN

Plaintiff

v.

AGEISS, INC.

Defendant

CIVIL NO. 21-1266

Lower Tribunal Case No.: SJ2021CV03092

RE: Act No. 80: Unjust Dismissal, Act No. 115: Retaliation

NOTICE OF REMOVAL

To: The Judges of the United States District Court for the District of Puerto Rico

PLEASE TAKE NOTICE THAT Defendant AGEISS, INC., pursuant to 28 U.S.C. §§ 1332 and 1446, hereby removes this action from the Commonwealth of Puerto Rico General Court of Justice, Court of First Instance, San Juan, to this Court, based on the following:

1. THE COMMONWEALTH COURT ACTION

An action that is still pending was commenced on or around May 24, 2021 in the Commonwealth of Puerto Rico Court of First Instance, captioned "*Ted S. Richan v. Ageiss, Inc.*.", Civil Case No. SJ2021CV03092. Plaintiff alleges that he was employed by Defendant in various capacities, retaliated against for launching an internal investigation and was terminated effective March 31, 2021. He claims wrongful termination under Puerto Rico Act No. 80 of May 30, 1976, as amended and retaliation under Puerto Rico Act No. 115 of December 20, 1991.

2. THE SERVICE OF THE COMPLAINT AND SUMMONS

The Complaint and Summons were served upon Defendant on May 27, 2021, which was the first time Defendant received notice of the lawsuit.

3. DIVERSITY OF CITIZENSHIP JURISDICTION

This Court has diversity jurisdiction over the action pursuant to 28 U.S.C. §§ 1441 and 1332(a) because there is absolute diversity between the parties and the amount in controversy alleged by Plaintiff exceeds \$75,000.00, exclusive of interest and costs.

a. Citizenship of the Parties

There is complete diversity of citizenship because Plaintiff is a citizen and resident of the Commonwealth of Puerto Rico, and Defendant is an entity incorporated in the state of Colorado, with its principal place of business at 7220 West Jefferson Ave., Ste 201, Lakewood, Colorado 80235. Defendant is not a citizen of Puerto Rico.

b. Jurisdictional Amount

Plaintiff seeks to recover Act 80 severance, in addition to damages, back pay and attorney's fees and litigation costs and expenses. *See* Complaint, ¶¶ 13, 14, Wherefore paragraph. The Complaint specifies the amount of severance claimed by Plaintiff as \$163,557.73, exclusive of damages, back pay and attorney's fees and costs. *See* Complaint ¶16, Wherefore paragraph. Therefore, the Complaint alleges an amount in excess of \$75,000.00.

4. VENUE IS PROPER

The District Court for the District of Puerto Rico is the judicial district embracing the place where the Commonwealth Court action was brought and is pending. As such, this is a district court to which this case could be initially removed.¹ *See* 28 U.S.C. §89(c) and 1446(a).

¹ Defendant reserves and does not waive the right to raise all applicable defenses, including improper venue.

5. THE NOTICE OF REMOVAL IS TIMELY

The Complaint and Summons were served upon Defendant on May 27, 2021. Therefore, this removal is timely because thirty (30) days have not elapsed since service of process upon Defendant was effectuated. *See* 28 U.S.C. §1446(b).

6. COMMONWEALTH COURT PLEADINGS

Pursuant to 28 U.S.C. §1446(a), with this Notice, Defendant is simultaneously filing copies of all process, pleadings, motions, and orders existing on file in the Commonwealth Court in this removed action, together with English certified translations of these documents. Accordingly, this Notice of Removal is accompanied by the following documents: Summons and Complaint² (attached as **Exhibit A**).

Further, pursuant to 28 U.S.C. § 1446(d), Defendant is simultaneously filing with the Clerk of the Commonwealth of Puerto Rico General Court of Justice, Court of First Instance, San Juan a Notice of Filing of Notice of Removal, to which shall be attached a true and correct copy of this Notice of Removal.

WHEREFORE, Defendant hereby removes the action captioned *Ted S. Richan v. Ageiss, Inc.*, Civil Case No. SJ2021CV03092 from the Commonwealth of Puerto Rico General Court of Justice, Court of First Instance, San Juan Part, to the United States District Court for the District of Puerto Rico, under the authority of 28 U.S.C. §§1332, 1441, and pursuant to the procedures provided in 28 U.S.C. § 1446.

RESPECTFULLY SUBMITTED.

² On this date, Defendant filed a motion requesting a brief extension of time to file the English certified translations of Exhibit A. The same will be filed within the next 7 days.

In San Juan, Puerto Rico, on June 7, 2021.

s/Juan Felipe Santos
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served on June 7, 2021, by filing with the CM/ECF system on:

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s/Juan Felipe Santos
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